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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,433	01/16/2007	Yong-Man Ro	AB-1849 US	1864
32605 7590 11/26/2008 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110				
EXAMINER HENRY, MARIEGEORGES A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/575,433

**Applicant(s)**

RO ET AL.

**Examiner**

MARIE GEORGES HENRY

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

1. This is in response to the amendment filed on 08/07/2008. Claims 1-5, 7-11 are amended. Claim 12-13 are new. Claims 1-13 are pending. Claims 1-13 are directed to method and apparatus for converting the modality of multimedia contents to support the quality of service according to media resource.

2. This application currently names joint inventors. In considering patentability, of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### **Objection**

3. Claims 9 and 11 are objected because of improper dependent form: Claims 9 and 11 depend respectively on claims 19 and 14 that do not belong to the list of claims.

**Claim Rejections - 35 USC § 112**

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

*The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.*

5. Claims 1- 13 are rejected under 35 U.S.C. 112, first paragraph. The terms range and sub-range stated and described in the remarks on May 16, 2008 and stated through the amended claims are not found in the specification; therefore, one ordinary skill on the art would not be able to carry out the invention without the added description of the invention that was described in the cited remarks. Appropriate clarification is needed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

6. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not described in a clear manner what range, and sub-range mean. Appropriate clarification is needed.

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

8. Claims 1-2 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nahi et al.** ( **US 6, 084, 584**) in view of **Tso et al.** (hereinafter "Tso") (**US 6,421,733 B1**).

*Nahi discloses the invention substantially as claimed including method and apparatus for converting the modality of multimedia contents to support the quality of service according to media resource.*

Regarding claim 1, Nahi and Tso disclose the method of claim 12.

Although Nahi discloses a driver transceiver method, he does not disclose a method further comprising, after operation (3), converting of the multimedia item's modality into the desired modality.

Tso discloses the method further comprising, after operation (3), converting of the multimedia item's modality into the desired modality. (Tso, column 17, lines 3-9, this unique feature allows a rich content to be produced without fear that only users with high-sophisticated data communications and display capabilities are able to enjoy it).

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement Tso selecting feature into Nahi converting method in order to create a converting method with a selecting feature in order to match the capability of a client device.

Regarding claim 2, Nahi and Tso disclose the method according to claim 1.

Although Nahi discloses a driver transceiver method, he does not disclose a method wherein the media the one or more media resources are one or more resources of a network or terminal to which the multimedia item is provided in the desired modality.

Tso discloses wherein the media the one or more media resources are one or more resources of a network or terminal to which the multimedia item is provided in the desired modality (Tso, column 6, lines 37-42, a selected transcode Service provider uses a separate thread to read the incoming data stream, transcode it, and place it within, the entry of service-side cache memory);

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement Tso selecting feature into Nahi converting method in order to create a converting method with a selecting feature in order to match the capability of the client device.

Regarding claim 7, Nahi and Tso disclose an apparatus for performing the method of claim 12. Claim 7 has the same limitations claim 12; therefore, claim 7 is considered an obvious variation.

Regarding claim 8, Nahi and Tso disclose an apparatus for performing the method of claim 1. Claim 8 has the same limitations claim 1; therefore, claim 8 is considered an obvious variation.

Regarding claim 9, Nahi and Tso disclose an apparatus for performing the method of claim 19. Claim 9 has the same limitations claim 1; therefore, claim 9 is considered an obvious variation.

Regarding claim 10, Nahi and Tso disclose an apparatus for performing the method of claim 13. . Claim 10 has the same limitations claim 13; therefore, claim 13 is considered an obvious variation.

Regarding claim 11, Nahi and Tso disclose an apparatus for performing the method of claim 14. . Claim 11 has the same limitations claim 1; therefore, claim 11 is considered an obvious variation.

Regarding claim 12, Nahi discloses in a system for processing multimedia contents, a method for selecting a desired modality from a plurality of modalities each of which is adoptable by a multimedia item as an alternative to any other modality of the plurality of modalities, the desired modality being for adopting the multimedia item to one or more media resources, the method comprising:

(1) for each said modality, obtaining a content value specification associated with a range of one or more resource values each of which is a value of the



one or more media resources, the content value specification providing a content value for each of said one or more resource values in the associated range, wherein the ranges associated with at least two of the modalities overlap (Nahi, column 14, lines 1-9, data passes first to a pseudo display driver, where there more than one driver coexist, data is then identified and uncoded; and, in another step, one display driver called referencing tag process the data to transceiver in order to have only one driver that will be display to a portable display tablet);

(2) obtaining a resource value v1 belonging to at least two of the ranges ( Nahi, column 14, lines 42-47, Multiple threads are implemented in support of overlapping data transfer).

Although Nahi discloses a system of selecting driver graphics image , he does not disclose selecting the desired modality from the modalities whose associated ranges contain the resource value v1, the desired modality being selected using the content value specifications of the modalities whose associated ranges contain the resource value v1.

Tso discloses a system selecting the desired modality from the modalities whose associated ranges contain the resource value v1, the desired modality being selected using the content value specifications of the modalities whose associated ranges contain the resource value v1 (Tso, column 6, lines 37-42, a selected transcode

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Service provider uses a separate thread to read the incoming data stream, transcode it, and place it within, the entry of service-side cache memory);

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement Tso selecting feature into Nahi converting system in order to create a converting system with a selecting feature in order to match the capability of the client device.

Regarding claim 13, in a system for processing multimedia contents, a method for building an overlap content model for a multimedia item which is available in any one of a plurality of alternative modalities, the overlap content model being for providing a desired modality from the plurality of modalities in response to a resource value which is a value of one or more media resources, the method comprising:

wherein the ranges associated with at least two of the modalities overlap

( Nahi, column 14, lines 42-47, Multiple threads are implemented in support of overlapping data transfer) ;

(2) determining, from the content value specifications, sub-ranges of said ranges, wherein for each sub-range, one of the content value specifications provides a maximum content value for each resource value in the sub-range, wherein the modality

associated with said one of the content value specifications is the desired modality for each resource value in the sub-range (Nahi, column 14, lines 1-9, data passes first to a pseudo display driver, where there more than one driver coexist, data is then identified and uncoded; and, in another step, one display driver called referencing tag process the data to transceiver in order to have only one driver that will be display to a portable display tablet);

wherein at least one of the sub-ranges includes a resource value belonging to at least two of said ranges (Nahi, column 14, lines 42-47, multiple threads are implemented in support of overlapping data transfer).

Although Nahi discloses a system of selecting driver graphics image, he does not disclose (1) for each said modality, obtaining a content value specification associated with a range of one or more resource values each of which is a value of the one or more media resources, the content value specification providing a content value for each of said one or more resource values in the associated range.

Tso discloses a system (1) for each said modality, obtaining a content value specification associated with a range of one or more resource values each of which is a value of the one or more media resources, the content value specification providing a content value for each of said one or more resource values in the associated range ( Tso, column 6, lines 37-42, a selected transcode Service provider uses a separate thread to read the incoming data stream, transcode it, and place it within ,the entry of service-side cache memory ).

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement Tso selecting feature into Nahi converting system in order to create a converting system with a selecting feature in order to match the capability of the client device.

9. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nahi**, in view of **Tso**, and further in view of **Adapting Multimedia Internet Content for Universal Access** (hereinafter "AMICUA").

Regarding claim 3, Nahi and Tso disclose the method according to claim 1.

However, Nahi and Tso do not disclose the method wherein the content value specifications are obtained from content value curves and scale factors for said modalities.

AMICUA discloses the method wherein the content value specifications are obtained from content value curves and scale factors for said modalities (AMICUA, page 20, section 4.1, content value makes it possible for authors or users to specify value judgments about various transcoded versions of the content; values are obtained also with different functional relationships with the resource in bits).

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement AMICUA adapting feature and Tso selecting feature into Nahi converting method in order to create a converting method with adapting and selecting features in order to match the capability of the client device.

Regarding claim 4, Nahi and Tso disclose the method according to claim 3, wherein operation (3) comprises:

However, Nahi and Tso do not disclose the method obtaining conversion boundaries using the content value curves and scale factors for the modalities; and determining the desired modality for using the conversion boundaries.

AMICUA discloses the method obtaining conversion boundaries using the content value curves and scale factors for the modalities; and determining the desired modality for using the conversion boundaries (AMICUA, page 20, section 4.1, content value makes it possible for authors or users to specify value judgments about various transcoded versions of the content; values are obtained also with different functional relationships with the resource in bits).

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement AMICUA adapting feature and Tso selecting feature into Nahi converting method in order to create a converting system with adapting and selecting features in order to match the capability of the client device.

Regarding claim 5, Nahi and Tso disclose the method according to claim 4.

However, Nahi and Tso do not disclose the method wherein the conversion boundaries are resource values at which the content value curves associated with overlapping ranges intersect with each other.

AMICUA discloses the method wherein the conversion boundaries are resource values at which the content value curves associated with overlapping ranges intersect with each other ( AMICUA, page 12, fig. 2, a modality function based on scale factors is disclosed).

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement AMICUA adapting feature and Tso selecting feature into Nahi converting method in order to create a converting method with adapting and selecting features in order to match the capability of the client device.

Regarding claim 6, Nahi and Tso disclose the method according to claim 3.

However, Nahi and Tso do not disclose the method wherein each of the content value curves is obtained by combining content value curves that are measured according to two or more different qualities.

AMICUA discloses the method wherein each of the content value curves is obtained by combining content value curves that are measured according to two or

more different qualities. (AMICUA, page 20, section 4.1, fig.3 shows a table where values are obtained with different functional relationships with the resource in bits).

Therefore it would have been obvious for one having ordinary skill in the art at the time the invention was made to implement AMICUA adapting feature and Tso selecting features into Nahi converting method in order to create a converting method with adapting and selecting features in order to match the capability of the client device.

10. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. Wadell (US 6,816,805 B1) is made part of the record because of the teaching of conversion. Tso (US 6,959,318 B1) is made part of the record because of the teaching of transcoding. Signes (US 6,195,088 B1) is made part of the record because of the teaching of encoding. Moore et al. (US 6, 310, 601B1) is made part of the record because of the teaching of multimedia content. Chernock et al. (US 6, 314,569 B1) is made part of the record because of the teaching of multimedia presentation. Li et al. (US 6, 345,279 B1) is made part of the record because of the teaching of transcoded content version.

### **Conclusion**

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the examiner should be **directed to Marie Georges Henry whose telephone number is (571) 270-3226**. The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you



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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marie Georges Henry/

Examiner, Art Unit 2455

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455